

Exam Resource - Agent Specific Bylaws

6. Institutional Control

6.4 Responsibilities for Actions of Outside Entities.

6.4.1 Independent Agencies or Organizations. An institution's "responsibility" for the conduct of its intercollegiate athletics program shall include responsibility for the acts of an independent agency, corporate entity (e.g., apparel or equipment manufacturer) or other organization when a member of the institution's executive or athletics administration, or an athletics department staff member, has knowledge that such agency, corporate entity or other organization is promoting the institution's intercollegiate athletics program

12. Amateurism and Athletics Eligibility

12.01 General Principles.

12.01.1 Eligibility for Intercollegiate Athletics. Only an amateur student-athlete is eligible for intercollegiate athletics participation in a particular sport.

12.02 Definitions and Applications.

12.02.1 Agent. An agent is any individual who, directly or indirectly:

- (a) Represents or attempts to represent an individual for the purpose of marketing his or her athletics ability or reputation for financial gain; or
- (b) Seeks to obtain any type of financial gain or benefit from securing a prospective student-athlete's enrollment at an educational institution or from a student-athlete's potential earnings as a professional athlete.

12.02.1.1 Application. An agent may include, but is not limited to, a certified contract advisor, financial advisor, marketing representative, brand manager or anyone who is employed or associated with such persons.

12.02.1.2 NCAA Certification Requirement -- Men's Basketball. In men's basketball, any individual who solicits a prospective or enrolled student-athlete to enter into an agency contract or attempts to obtain employment for an individual with a professional sports team or organization or as a professional athlete must be certified and maintain active certification per the policies and procedures of the NCAA agent certification program. *(Adopted: 8/8/18 An NBPA-certified agent is considered an NCAA-certified agent until the NCAA agent certification program is operational, which will be not later than August 1, 2020)*

12.02.1.2.1 Exception. A family member of a prospective or enrolled student-athlete or an individual acting solely on behalf of a professional sports team or organization is not required to be certified through the NCAA agent certification program.

12.02.1.2.2 Responsibility of NCAA-Certified Agent. An NCAA-certified agent is presumed responsible for the actions of all employees who report, directly or indirectly, to the NCAA-certified agent. Improper conduct of an NCAA-certified agent's employees shall subject the agent to disciplinary action pursuant to the NCAA agent certification program.

12.02.2 Actual and Necessary Expenses. Actual and necessary expenses are limited to:

- (a) Meals;
- (b) Lodging;
- (c) Apparel, equipment and supplies;
- (d) Coaching and instruction;
- (e) Health/medical insurance;
- (f) Transportation (expenses to and from practice and competition, cost of transportation from home to training/practice site at the beginning of the season/preparation for an event and from training/practice/event site to home at the end of season/event);
- (g) Medical treatment and physical therapy;
- (h) Facility usage;
- (i) Entry fees; and
- (j) Other reasonable expenses.

12.02.4 Family Member. A family member is an individual with any of the following relationships to the prospective student-athlete: spouse, parent or legal guardian, child, sibling, grandparent, domestic partner or any individual whose close association with the prospective student-athlete is the practical equivalent of a family relationship.

12.02.11 Professional Athlete. A professional athlete is one who receives any kind of payment, directly or indirectly, for athletics participation except as permitted by the governing legislation of the Association.

12.02.12 Professional Athletics Team. A professional team is any organized team that:

- (a) Provides any of its players more than actual and necessary expenses for participation on the team, except as otherwise permitted by NCAA legislation. Actual and necessary expenses are limited to the items listed in Bylaw [12.02.2](#), provided the value of these items is commensurate with the fair market value in the locality of the player(s) and is not excessive in nature; or
- (b) Declares itself to be professional.

12.02.14 Student-Athlete. A student-athlete is a student whose enrollment was solicited by a member of the athletics staff or other representative of athletics interests with a view toward the student's ultimate participation in the intercollegiate athletics program. Any other student becomes a student-athlete only when the student reports for an intercollegiate squad that is under the jurisdiction of the athletics department, as specified in Constitution [3.2.4.6](#). A student is not deemed a student-athlete solely on the basis of prior high school athletics participation.

12.1 General Regulations.

12.1.2 Amateur Status. An individual loses amateur status and thus shall not be eligible for intercollegiate competition in a particular sport if the individual:

- (a) Uses his or her athletics skill (directly or indirectly) for pay in any form in that sport;
- (b) Accepts a promise of pay even if such pay is to be received following completion of intercollegiate athletics participation;
- (c) Signs a contract or commitment of any kind to play professional athletics, regardless of its legal enforceability or any consideration received, except as permitted in Bylaw [12.2.5.1](#);
- (d) Receives, directly or indirectly, a salary, reimbursement of expenses or any other form of financial assistance from a professional sports organization based on athletics skill or participation, except as permitted by NCAA rules and regulations;
- (e) Competes on any professional athletics team per Bylaw [12.02.12](#), even if no pay or remuneration for expenses was received, except as permitted in Bylaw [12.2.3.2.1](#);
- (f) After initial full-time collegiate enrollment, enters into a professional draft (see Bylaw [12.2.4](#)); or
- (g) Enters into an agreement with an agent.

12.2 Involvement with Professional Teams.

12.2.1 Tryouts.

12.2.1.3 Tryout After Enrollment. After initial full-time collegiate enrollment, an individual who has eligibility remaining may try out with a professional athletics team (or participate in a combine including that team) at any time, provided the individual does not miss class. The individual may receive actual and necessary expenses in conjunction with one 48-hour tryout per professional team (or a combine including that team). The 48-hour tryout period shall begin at the time the individual arrives at the tryout location. At the completion of the 48-hour period, the individual must depart the location of the tryout immediately in order to receive return transportation expenses. A tryout may extend beyond 48 hours if the individual self-finances additional expenses, including return transportation. A self-financed tryout may be for any length of time, provided the individual does not miss class.

12.2.1.3.1 Exception for Basketball Draft Combine. In basketball, a student-athlete may accept actual and necessary travel, and room and board expenses from a professional sports organization to attend that organization's basketball draft combine regardless of the duration of the camp. [See Bylaw 14.6.4-(e).]

12.2.1.3.2 Exception -- Men's Basketball. In men's basketball, an individual may receive actual and necessary expenses each year in conjunction with one 48-hour tryout per professional team and in conjunction with a professional organization's draft combine. An individual who is invited to participate in a professional organization's draft combine is permitted to miss class for such participation and associated travel.

12.2.4 Draft and Inquiry

12.2.4.2.1.1 National Basketball Association. In men's basketball, an enrolled student-athlete may enter the National Basketball Association's draft each year during his collegiate participation without jeopardizing eligibility in that sport, provided:

- (a) The student-athlete requests an evaluation from the National Basketball Association's Undergraduate Advisory Committee before entering the draft;
- (b) The student-athlete requests that his name be removed from the draft list and declares his intent to resume intercollegiate participation not later than 10 days after the conclusion of the NBA draft combine;
- (c) The student-athlete's declaration of intent is submitted in writing to the institution's director of athletics; and
- (d) The student-athlete is not drafted.

12.2.4.2.1.2 Professional League Other Than the National Basketball Association. In men's basketball, an enrolled student-athlete may enter a professional league's draft (other than the National Basketball Association's draft) each year during his collegiate career without jeopardizing eligibility in that sport, provided:

- (a) The student-athlete requests that his name be removed from the draft list and declares his intent to resume intercollegiate participation not later than 10 days after the conclusion of the professional league's draft combine. If the professional league does not conduct a draft combine, the student-athlete must request that his name be removed from the draft list not later than the end of the day before the first day of the spring National Letter of Intent signing period for the applicable year;
- (b) The student-athlete's declaration of intent is submitted in writing to the institution's director of athletics; and
- (c) The student-athlete is not drafted.

12.2.4.2.2 Exception -- Basketball -- Two-Year College Prospective Student-Athlete. A prospective student-athlete enrolled at a two-year collegiate institution in basketball may enter a professional league's draft one time during his or her collegiate career without jeopardizing eligibility in that sport, provided the prospective student-athlete is not drafted by any team in that league

12.2.5 Contracts and Compensation. An individual shall be ineligible for participation in an intercollegiate sport if he or she has entered into any kind of agreement to compete in professional athletics, either orally or in writing, regardless of the legal enforceability of that agreement.

12.3 Use of Agents.

12.3.1 General Rule. An individual shall be ineligible for participation in an intercollegiate sport if he or she ever has agreed (orally or in writing) to be represented by an agent for the purpose of marketing his or her athletics ability or reputation in that sport. Further, an agency contract not specifically limited in writing to a sport or particular sports shall be deemed applicable to all sports, and the individual shall be ineligible to participate in any sport.

12.3.1.1 Exception -- Baseball and Men's Ice Hockey -- Prior to Full-Time Collegiate Enrollment. In baseball and men's ice hockey, prior to full-time collegiate enrollment, an individual who is drafted by a professional baseball or men's ice hockey team may be represented by an agent or attorney during contract negotiations. The individual may not receive benefits (other than representation) from the agent or attorney and must pay the going rate for the representation. If the individual does not sign a contract with the professional team, the agreement for representation with the agent or attorney must be terminated prior to full-time collegiate enrollment.

12.3.1.2 Exception -- NCAA-Certified Agents -- Men's Basketball. *(Adopted: 8/8/18)*
12.3.1.2.1 Elite Senior Prospective Student-Athletes. In men's basketball, on or after July 1 immediately before his senior year in high school, a prospective student-athlete identified as an elite senior in accordance with established policies and procedures may be represented by an NCAA-certified agent (see Bylaw [12.02.1.2](#)). *(Adopted: 8/8/18 Applicability to be determined after NBA and NBPA evaluation of, and determination permitting, the eligibility for high school students to enter the NBA draft., Revised: 6/12/19)*

12.3.1.2.2 Enrolled Student-Athletes and Two-Year College Prospective Student-Athletes -- After Request for Evaluation From NBA Undergraduate Advisory Committee. In men's basketball, after the conclusion of the playing season, a student-athlete or a two-year college prospective student-athlete who has requested an evaluation from the NBA Undergraduate Advisory Committee may be represented by an NCAA-certified agent (see Bylaw [12.02.1.2](#)).

12.3.1.2.3 Expenses From an NCAA-Certified Agent. *(Adopted: 8/8/18)*

12.3.1.2.3.1 Expenses Before Agreement. Before signing a written agreement with an NCAA-certified agent, a prospective or enrolled student-athlete (and his family members) who is eligible to be represented by an NCAA-certified agent may receive transportation and meals from an NCAA-certified agent in the locale where the prospective or enrolled student-athlete is located (e.g., locale of home or institution) in conjunction with the process to select an agent. *(Adopted: 8/8/18 For an elite senior high school prospective student-athlete, effective date to be determined after NBA and NBPA evaluation of, and determination permitting, the eligibility for high school students to enter the NBA draft. Expenses permissible after appropriate changes to the Uniform Athlete Agent Act, Revised Uniform Athlete Agent Act and relevant state laws.)*

12.3.1.2.3.2 Expenses After Agreement. After signing a written agreement with an NCAA-certified agent, the agent may provide the prospective or enrolled student-athlete (and his family members) with transportation, lodging and meals associated with meeting with the agent or a professional team. *(Adopted: 8/8/18 For an elite senior high school prospective student-athlete, effective date to be determined after NBA and NBPA evaluation of, and determination permitting, the eligibility for high school students to enter the NBA draft. For an enrolled student-athlete or two-year college prospective student-athlete, effective immediately.)*

12.3.1.2.4 No Missed Class Time. A prospective or enrolled student-athlete shall not miss class in conjunction with the agent selection process or to meet with an agent or professional team.

12.3.1.2.5 Written Agreement. An agreement between a prospective or enrolled student-athlete and an NCAA-certified agent shall be in writing. An agreement that involves a prospective student-athlete shall be disclosed to the NCAA national office. An agreement that involves an enrolled student-athlete shall be disclosed to his institution. If a high school prospective student-athlete does not sign a contract with a professional team, the agreement must be terminated before full-time enrollment. If an enrolled student-athlete or two-year college prospective student-athlete does not sign a contract with a professional team, the agreement must be terminated before full-time enrollment in the ensuing regular academic term.

12.3.1.2.6 Compensation for Representation. A prospective or enrolled student-athlete is not required to compensate an NCAA-certified agent for his or her services.

12.3.1.3 Representation for Future Negotiations. An individual shall be ineligible per Bylaw [12.3.1](#) if he or she enters into an oral or written agreement with an agent for representation in future professional sports negotiations that are to take place after the individual has completed his or her eligibility in that sport.

12.3.1.4 Benefits from Prospective Agents. An individual shall be ineligible per Bylaw [12.3.1](#) if he or she (or his or her family members or friends) accepts transportation or other benefits from:

- (a) Any person who represents any individual in the marketing of his or her athletics ability. The receipt of such expenses constitutes compensation based on athletics skill and is an extra benefit not available to the student body in general; or
- (b) An agent, even if the agent has indicated that he or she has no interest in representing the student-athlete in the marketing of his or her athletics ability or reputation and does not represent individuals in the student-athlete's sport.

12.3.2 Legal Counsel. Securing advice from a lawyer concerning a proposed professional sports contract shall not be considered contracting for representation by an agent under this rule, unless the lawyer also represents the individual in negotiations for such a contract.

13. Recruiting

13.02 Definitions and Applications

13.02.19 Individual Associated with a Prospective Student-Athlete -- Basketball. In basketball, an individual associated with a prospective student-athlete is any person who maintains (or directs others to maintain) contact with the prospective student-athlete, the prospective student-athlete's family members, or coaches at any point during the prospective student-athlete's participation in basketball, and whose contact is directly or indirectly related to either the prospective student-athlete's athletic skills and abilities or the prospective student-athlete's recruitment by or enrollment in an NCAA institution. This definition includes, but is not limited to family members, handlers, personal trainers and coaches. An individual who meets this definition retains such status during the enrollment of the prospective student-athlete at the institution.

16. Awards, Benefits and Expenses for Enrolled Student-Athletes

16.02 Definitions and Applications.

16.02.3 Extra Benefit. An extra benefit is any special arrangement by an institutional employee or representative of the institution's athletics interests to provide a student-athlete or the student-athlete family member or friend a benefit not expressly authorized by NCAA legislation. Receipt of a benefit by student-athletes or their family members or friends is not a violation of NCAA legislation if it is demonstrated that the same benefit is generally available to the institution's students or their family members or friends or to a particular segment of the student body (e.g., international students, minority students) determined on a basis unrelated to athletics ability.

16.02.4 Family Member. For purposes of Bylaw 16, a family member is an individual with any of the following relationships to a student-athlete: spouse, parent or legal guardian, child, sibling, grandparent, domestic partner or any individual whose close association with the student-athlete is the practical equivalent of a family relationship